

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

IN RE: IRENE CASTILLO,

Case No.: 19-70353

Chapter 13

Judge: EDUARDO V RODRIGUEZ

Debtor. \_\_\_\_\_ /

**OBJECTION TO CONFIRMATION OF PLAN**

Comes The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2004-1 Trust (“Secured Creditor”) by and through its undersigned attorneys, and for its Objection to Confirmation of Debtor’s Chapter 13 Plan, herein states and alleges as follows:

1. This Court has exclusive jurisdiction over this proceeding. The Debtor filed their Petition under Chapter 13 of the United States Bankruptcy Code on or about September 3, 2019.

2. The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2004-1 Trust is a secured creditor holding a secured claim against Debtor’s real property located at 1603 Tulipan Ave., Mission, TX 78572. The amount of the claim as of the date of filing will be set forth in Creditor's Proof of Claim.

3. The Proposed plan fails to provide for Creditor’s treatment.

4. The Plan fails to provide for an arrearage to Secured Creditor. The correct estimated arrearage as of the date of filing is \$13,532.45. The Plan should be modified to provide for the arrearage to Secured Creditor.

5. The Plan fails to provide for a monthly payment to Secured Creditor. The correct monthly payment is \$741.68. The Plan should be modified to provide for the monthly payment to Secured Creditor.

4. The Plan has not been filed in good faith and should not be confirmed.

WHEREFORE, The Bank of New York Mellon, as Indenture Trustee, for Mid-State Capital Corporation 2004-1 Trust prays that its Objection to Confirmation of Plan be sustained, and for all proper relief.

Dated: November 6, 2019.

Respectfully submitted,

AKERLY LAW PLLC

By: /s/ Bruce W. Akerly  
Bruce W. Akerly  
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COUNSEL FOR THE BANK OF NEW YORK  
MELLON, AS INDENTURE TRUSTEE, FOR  
MID-STATE CAPITAL CORPORATION 2004-1  
TRUST

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the Objection to Confirmation of Plan has been furnished to the parties on the attached Service List by electronic notice and/or by First Class U.S. Mail on this 6<sup>th</sup> day of November, 2019.

/s/ Bruce W. Akerly  
Bruce W. Akerly

**SERVICE LIST (CASE NO. 19-70353)**

**By U.S. First Class Mail**

**Debtor – Pro Se**

Irene Castillo  
1603 Tulipan Ave.  
Mission, TX 78572

**By Electronic Service**

**Trustee**

Cindy Boudloche  
Chapter 13 Trustee  
555 N Carancahua  
Ste 600  
Corpus Christi, TX 78401-0823

**U.S. Trustee**

US Trustee  
606 N Carancahua  
Corpus Christi, TX 78401